

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ANTHONY SABETTA

v.

C.A. No. 05-425L

UNITED STATES OF AMERICA

MEMORANDUM AND ORDER

Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is denied for the reasons set forth in the Government's Response to said motion.

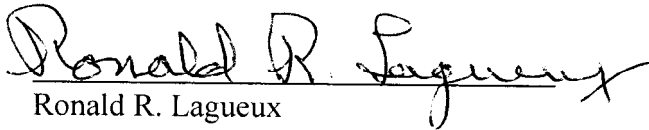
Petitioner was convicted by a jury of possession of a firearm after a previous conviction of a felony. The evidence at trial was overwhelming that petitioner possessed a Colt revolver on three separate occasions on September 1, 2000. In fact, Petitioner's codefendant, who pleaded guilty to the charge, testified at trial that the gun belonged to Petitioner.

Since Petitioner qualified as an Armed Career Criminal, he was sentenced under the then mandatory guidelines to 262 months of imprisonment. His conviction and sentence were affirmed in a published opinion issued by the First Circuit Court of Appeals, United States v. Sabetta, 373 F.3d 75 (1st Cir. 2004). He then filed a petition for writ of certiorari with the United States Supreme Court but that was denied on November 1, 2004.

Petitioner now wants to rehash legal issues that were, or should have been, presented on direct appeal. Of course, that attempt is unavailing. Finally, in desperation, he attempts to blame his able trial counsel for not getting an acquittal. It is not necessary to elaborate. This petition is completely devoid of merit. Justice was done in this case and a dangerous criminal was appropriately segregated from society for a long period of time.

In summary, Petitioner's motion hereby is denied and dismissed and the Clerk will enter judgment for defendant, the United States of America.

It is so Ordered.

A handwritten signature in cursive script, reading "Ronald R. Lagueux". The signature is written in dark ink and is positioned above the printed name and title.

Ronald R. Lagueux
Senior Judge
February 1, 2006